

CHAPTER 66 (Revised 9/7/04)

CITY ELECTIONS

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Section 1. Administration.

The city clerk is the supervisor of elections and shall prepare and maintain election materials, forms, and records. The clerk shall begin preparing for a general election at least forty-five (45) days before the date of the election. Preparation for a special election shall begin as soon as possible after the date is chosen for the special election. The clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the city has on hand, before any election, the most current official voter-registration list. The city clerk shall provide administrative support to the election board.

Section 2. Voter qualifications.

A person who meets the following requirements shall be qualified to vote in city elections:

- A. Is a United States citizen who is qualified to vote in state elections;
- B. Has been a resident of _____ for 30 days immediately preceding the election;
- C. Is registered to vote in state elections; and
- D. Is not disqualified under Article V of the constitution of the State of Alaska which provides that:

"No person may vote who has been convicted of a felony involving moral turpitude unless his/her civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 3. Residence criteria.

When determining residence for the purpose of qualifying voters the following criteria will apply:

- A. No person may be considered a resident just because he or she is in the city, nor may he/she lose residency just because he or she is absent while in the civil or military service of the state or of the United States, or of his/her absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an

- Indian, Native Alaskan, or military reservation, or while residing in the Alaska Pioneers' Home.
- B. The residence of a person is that place in which his/her occupancy is fixed, and to which, whenever he/she is absent, he/she has the intention to return. If a person resides in one place, but does business in another, the former is his/her place of residence. Temporary construction camps do not establish a dwelling place.
 - C. A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.
 - D. A person does not lose his/her residence if he/she leaves his/her home and goes to another country, state, or place in Alaska for temporary purposes only and with the intent of returning.
 - E. A person does not gain residency by coming to the city without the present intention to establish his/her permanent dwelling in the city.
 - F. A person loses his/her residence in the city if he/she votes in an election of another city or state, either in person or by absentee ballot, and will not be eligible to vote in this city's municipal elections until he/she again qualifies under this Chapter.
 - G. The term of residence is calculated by including the day on which the person's residence begins and excluding the day of election.
 - H. The address of a voter as it appears on his/her official state voter registration card is reasonable evidence of the person's voting residence. If a person changes his/her voting residence, this presumption is canceled only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his/her new voting residence.

Section 4. General elections.

The regular general election for members of the city council and other elected city officials shall be held each year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. Notice of the election must be posted in 3 public places for 30 days before the date of the election.

Section 5. Special elections.

- A. If a petition submitted by voters for an initiative, referendum, or recall election is certified sufficient by the city clerk and submitted to the city council, the council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the council.
- B. If a special election is required by act of the city council, the city council shall resolve that a special election on the question proposed by the council's ordinance or resolution be held on the sixth (6th) Tuesday following the council's action.
- C. If the regular general election will occur within seventy-five (75) days of the date of submission of a petition by voters requesting an initiative, referendum, or recall election, or if the regular general election occurs within seventy-five (75) days of council action which requires election, then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.
- D. Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

Section 6. Election notices.

Election notices shall be prepared and posted in three public places by the city clerk for 30 days prior to the date of the general election and for at least 20 days prior to the date of a special election, and shall contain the following, as is appropriate:

- A. Whether the election is general, special, or runoff;
- B. Date of the election;
- C. Location of the city polling place(s);
- D. Time the polling place(s) will open and close;
- E. Offices to be filled;
- F. A statement describing voter qualifications;

- G. Time for filing declarations of candidacy and nominating petitions;
- H. A statement of any questions or propositions to be placed on the ballot;
- I. A statement describing absentee voting procedure.

Section 7. 40% of votes cast required.

A candidate must receive greater than 40 percent (40%) of the votes cast for his/her respective office in order to win the election.

Section 8. Run-off elections.

If no candidate receives greater than 40 percent (40%) of the votes cast, the council shall hold a run-off election between the two (2) candidates receiving the greatest number of votes for the office and the leading candidate wins. Run-off elections shall be held on the second Tuesday following the date the council certifies the election. Notice of the run-off election shall be posted in three (3) public places for at least 5 days before the election.

Section 9. Tie votes.

In the event of a tie vote and after a recount of ballots that confirms the tie vote the council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the presiding officer shall direct the clerk or other non-interested person to draw straws or flip a coin to determine the winner.

Section 10. Qualifications for city council.

A person filing for election to a city council seat must be:

- A. A United States citizen who is qualified to vote in state elections;
- B. A resident of the city for thirty days immediately preceding the election for which declaring candidacy;
- C. Registered to vote in state elections;
- D. Not disqualified under Article V of the Constitution of the State of Alaska, which provides that;

"No person may vote who has been convicted of a felony involving moral turpitude unless his/her civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed."

Section 11. Filing for office.

- A. A person who wishes to become a candidate for an elective office shall on a form provided by the city clerk complete and file a declaration of candidacy with the city clerk. This shall be filed no sooner than 30 days and no later than 10 days before the election.
- B. A person filing for a city council seat must meet the qualifications of Section 10 of this Chapter.

Section 12. Withdrawal, written notice.

Any candidate who has complied with the provisions of this Chapter may withdraw his/her candidacy no later than the last day for filing a declaration of candidacy (10 days before the election) by filing a written notice of withdrawal with the city clerk.

Section 13. Publishing names.

The city clerk shall post in three (3) public places at least five (5) days before the election, the names of all candidates who have declared and/or been nominated and showing the office for which each person has declared

and/or been nominated.

Section 14. Election judges.

- A. The council shall each year choose three city voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be council members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or is unable to perform the duties of an election judge during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.
- B. The city clerk shall give and attest the following written oath to all election judges on or before election day, which each judge shall swear and sign:

I, _____ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the city's election ordinances.

- C. Pay of election judges shall be determined by the council.
- D. At least one of the judges shall be fluent in the _____ dialect of the native language in order to assist voters who may have difficulty with the ballot.
- E. The election supervisor may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerks must be qualified to serve as judges.

